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REMARKS

Claims 1, 3, 10-12, 29, 31-35, 37 and 40-46, are pending in the application. Claims 1, 3, 10-12, 29, 31, 32, 37 and 42-46 stand rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent Application No. 20040161623 ("Domine") in view of U.S. Patent No. 4,079,850 ("Suzuki") and either of U.S. Patent No. 3,233,416 ("Rainwater") or U.S. Patent No. 3,450,805 ("Chesser"). Applicant requests reconsideration in view of the Remarks set forth below.

35 U.S.C. 103(a) – Domine in view of Suzuki and either Rainwater or Chesser

Applicant respectfully submits that this rejection is improper because the cited references fail to teach or suggest each and every claim limitation. Specifically, claim 1 recites an improved extrusion blow molding process to prepare a multilayer container, wherein the improvements over a conventional blow molding process include the application of an additional cooling means for discharging a cold gas having a temperature less than about 5°C under pressure into the inner cavity of the parison during inflation, and wherein the outer layer of the multilayer container has a glossy, transparent appearance and a thickness of about 1 mm to about 5 mm, is formed of a copolymer of ethylene and an alpha,beta-unsaturated carboxylic acid or a derivative thereof, and is directly bonded to an inner layer of a polyolefin. The advantage of using such an additional cooling means is to accelerate the cooling process of the molded structure from within the cavity and thereby enable the attainment of an outer layer of copolymers of ethylene and an alpha,beta-unsaturated carboxylic acids and derivatives thereof, which is thick and has a glossy, transparent appearance.

Domine, the primary reference cited herein, concerns a laminate having at least one layer of an ionomer (i.e., the ionomer layer) and at least one layer of an acid polymer or blend of acid polymer and a thermoplastic polyolefin (i.e., the tie layer), which can be thermoformed to form a shaped laminate and be later contacted with a plastic substrate such as a thermoplastic polyolefin (i.e., the substrate layer) to form a composite article (see, e.g., the Abstract). At paragraphs [0079]-[0091] of Domine, it is disclosed that laminates of the at least one ionomer layer and the tie layer may be formed by any appropriate means, such as a co-extrusion process. Such formed laminates may then be secured to a substrate layer and shaped into a

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composite article by any appropriate means, see, paragraphs [0092]-[0137]. Among them, composite articles comprising the at least one ionomer layer, the tie layer and the substrate layer and formed by blow molding was exemplified in paragraphs [0098]-[0107] and [0124] and figure 8. Clearly, the ionomer/tie two-layer structure disclosed by Domine is only an intermediate laminate before it is further secured to a substrate layer in forming the final composite article (such as a blow molded container). This laminate is distinct from the particular ionomer/polyolefin multilayer container wall structure recited in claim 1 wherein the outer layer of the multilayer container has a glossy, transparent appearance and is formed of a copolymer of ethylene and an alpha,beta-unsaturated carboxylic acid or a derivative thereof, and is directly bonded to an inner layer of a polyolefin. In addition, Domine fails to teach the improved blow molding process recited in claim 1. Therefore, the disclosure teaches away from the laminate of the claimed process.

Suzuki is related to a blow-molding process of making a multilayer plastic container having a joint portion where each of the polymer layers constituting the multi-layer structure is substantially continuous with respect to the plane direction. Suzuki also fails to teach the particular multilayer wall structure recited in claim 1. Moreover, Suzuki fails to teach or suggest the improved extrusion blow molding process recited in claim 1.

Finally, each of Rainwater and Chesser teaches a blow molding process that involves injecting cold fluid into the parison cavity during inflation, but neither of the two teaches or suggests the particular multilayer wall structure and the particular polymers used therein.

Therefore, the cited references, when considered either individually or in combination, do not teach each and every limitation recited in claim 1 and the claims which depend therefrom. Applicant therefore respectfully submits that this rejection is improper and requests that it be withdrawn.

35 U.S.C. 103(a) – Domine in view of Suzuki and either Rainwater or Chesser and further in view of Wechsler

Claims 33-35, 40, and 41 stand rejected under 35 U.S.C. §103(a) as obvious over Domine in view of Suzuki and either of Rainwater or Chesser and further in view of U.S. Patent No. 3,114,596 ("Wechsler").

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This same rejection was originally presented by the Examiner in the Official Action of July 25, 2007. Applicant presented convincing arguments refuting the rejection in the response submitted on October 1, 2007. In the Final Official Action, dated December 12, 2007, however, the Examiner maintained the rejection by repeating the reasons outlined in the July 25, 2007 Official Action without commenting on Applicant's arguments. It is believed this was an oversight and therefore, Applicant's rebuttal and request for withdrawal of the rejection is repeated below.

Claims 33-35, 40, and 41 depend from claim 1 and therefore include all the limitations recited in claim 1. The previously cited references, when considered individually or in combination, fail to teach or suggest all the limitations, especially the multilayer wall structure, recited in claim 1. As Wechsler does not teach or suggest the multilayer wall structure or the particular polymers recited in claim 1, these claims are also not obvious over the cited references.

Moreover, claims 33-35 depend from claim 1 and further recite a blow-pin that is used as the additional cooling means to discharge cold gas under pressure into the parison cavity, wherein "the blow-pin is covered by a cooling jacket over at least 95% of the blow-pin surface, not inclusive of the nozzle" (claim 33) and, in order to allow the escape of gas from the inside of the molded structure, further comprises a cut into the nozzle (claim 34) or a rough surface on the nozzle (claim 35). Claims 40 and 41 also depend from claim 1 and further recite the blow-pin which further comprises a cut into the nozzle (claim 40) or a rough surface on the nozzle (claim 41).

Wechsler is related to a method or special apparatus to achieve direct cooling of the neck area during blow molding of necked plastic containers. As it is best illustrated in Figure 1 and described in column 1, lines 56-60 of Wechsler, the "water-jacketed blow pins" and "blow pins having apertures/skirts/channels" cited by the Examiner comprise a blow pin B and surrounded thereof a fluid tube 10, wherein the fluid tube 10 is inserted together with the blow pin B into the parison cavity and comprises apertures such as slots 12 in the inserted position for injecting water into the blow molded container around the neck section. Clearly, the "water-jacketed blow pins" taught by Wechsler are distinct from the blow-pin structure recited in the subject claims, both structurally and functionally. First, the cooling jacket recited in the subject claims is used to further cool the air in the blow-pin before it is discharged

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into the parison cavity and it does not have any aperture or slot to allow the fluid to escape. Secondly, the cuts and the rough surfaces recited in the subject claims are in relation to the blow pin nozzles and are for the purpose of allowing the escape of air from within the blow molded container and are not like the apertures or slots taught by Wechsler, which are in relation to the water jacket and are for the injection of fluid into the neck area of the blow molded container. Therefore, Applicant requests that the obviousness rejection of claims 33-35, 40, and 41 be withdrawn.

In view of the foregoing amendments and remarks, Applicant respectfully requests that the rejections listed in the December 12, 2007 Official Action be withdrawn and that the application be passed to issue.

Respectfully submitted,



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